

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DIGITAL BROADCASTING NETWORK,
INC.

Plaintiff,

vs.

ASSOCIATION OF PHYSICIANS OF
PAKISTANI-DESCENT OF NORTH
AMERICA,

Defendant.

CASE NUMBER 08 CV 3843 (RWS) (HP)
ECF CASE

**NOTICE OF REMOVAL BY DEFENDANT
ASSOCIATION OF PHYSICIANS OF
PAKISTANI-DESCENT OF NORTH
AMERICA**

Defendant Association of Physicians of Pakistani-Descent of North America (“APPNA”) files this Notice of Removal pursuant to 28 U.S.C. § 1441, et seq., to remove this case, filed by plaintiff, Digital Broadcasting Network, Inc. (“DBN”), from the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York.

As grounds for removal and for no other purpose, APPNA states as follows:

1. APPNA desires to exercise its rights under the provisions of 28 U.S.C. § 1441, et seq., to remove this case from the Supreme Court of the State of New York, County of New York where this action is now pending.
2. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon defendant in the state court action are attached hereto as Exhibit A.
3. Plaintiff’s summons and complaint was served on defendant on March 21, 2008.
4. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within thirty days after defendant’s receipt of plaintiff’s summons and complaint.

5. The district courts of the United States have original jurisdiction of all civil actions where the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, as between citizens of different states. 28 U.S.C. § 1332(a)(1).

6. Plaintiff's complaint states that plaintiff's principal place of business is 375 Fifth Avenue, 3rd Floor, New York, NY 10016. Plaintiff was and remains a citizen of the State of New York.

7. Plaintiff's complaint states that defendant APPNA is a "foreign non-profit corporation," incorporated in the State of Illinois with its principal place of business in Westmont, Illinois. Defendant APPNA was and remains a citizen of the State of Illinois and maintained and continues to maintain its principal place of business in Westmont, Illinois.

8. As such, there was and there remains complete diversity of citizenship between plaintiff and defendant.

9. Plaintiff's Complaint asserts claims against defendant for breach of contract (Count I) and unjust enrichment (Count II).

10. Plaintiff's complaint alleges \$500,000 in damages on the First Cause of Action and \$500,000 on the Second Cause of Action.

11. Because the matter in controversy exceeds \$75,000.00 and the sole defendant is a citizen of a state different than the sole plaintiff, this Court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1).

12. Pursuant to the provisions of 28 U.S.C. § 1441 et seq., the right now exists to remove this case from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

13. Written notice of the filing of this Notice of Removal has been given to all adverse parties as required by law.

14. A true and correct copy of this Notice of Removal has been filed with the Clerk of the Supreme Court of the State of New York, County of New York, as required by law.

WHEREFORE, defendant APPNA requests that this matter now pending in the Supreme Court of the State of New York, County of New York, be removed to this Court.

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By: /s/
SHALOM D. STONE

DATED: April 17, 2008